UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. NO: 03-335 L
	)	
AMERICAN FOAM CORPORATION, et al.,	)	
	)	
Defendants.	)	

ANSWER AND AFFIRMATIVE DEFENSES OF CLEAR CHANNEL BROADCASTING, INC. AND CAPSTAR RADIO OPERATING COMPANY TO PLAINTIFFS' FIRST AMENDED MASTER COMPLAINT AS ADOPTED AND PLAINTIFFS' PRO FORMA COMPLAINT

NOW COME Defendants Clear Channel Broadcasting, Inc. and Capstar Radio Operating Company (as successor in interest to WHJY, Inc., former operator of radio station "WHJY-FM") (collectively the "Clear Channel Defendants" for purposes herein) and, in response to Plaintiffs' Notice of Adoption of First Amended Master Complaint ("Notice of Adoption"), hereby adopt[1] the Clear Channel Defendants' Answer and Affirmative Defenses to Plaintiffs' First Amended Master Complaint, filed on December 1, 2005, in *Gray, et al. v. Derderian, et al.* (04-312-L).

Further, in response to the additional allegations and claims contained in Plaintiffs' Pro Forma Complaint, the Clear Channel Defendants state as follows:

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1 See Order in *Gray, et al. v. Derderian, et al.* (04-312-L), dated December 16, 2004, granting plaintiffs' motion for leave to file First Amended Master Complaint and establishing procedure for plaintiffs in other actions to adopt such filing, either in whole or in part.

(260) – (280).[2] The Clear Channel Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in additional paragraphs numbered 260 through 280 of the Pro Forma Complaint.

WHEREFORE, the Clear Channel Defendants pray that:

(a) the First Amended Master Complaint, Notice of Adoption and Pro Forma Complaint be dismissed with prejudice as to them;

(b) Plaintiffs' demand for relief against the Clear Channel Defendants be denied in every respect;

(c) the Clear Channel Defendants be awarded costs in connection with this litigation, including reasonable attorneys' fees; and

(d) the Court grant such other and further relief as may be just, proper, and equitable.

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2 These paragraph numbers appear to correspond to reserved paragraphs of the First Amended Master Complaint in *Gray, et al. v. Derderian, et al.* (04-312-L).

CLEAR CHANNEL BROADCASTING, INC.
AND CAPSTAR RADIO OPERATING
COMPANY

By their Attorneys,

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Dated: December 1, 2005

CERTIFICATION

I, the undersigned, hereby certify that on the 1st day of December, 2005, I served a copy of the within ANSWER AND AFFIRMATIVE DEFENSES OF CLEAR CHANNEL BROADCASTING, INC. AND CAPSTAR RADIO OPERATING COMPANY TO PLAINTIFFS' FIRST AMENDED MASTER COMPLAINT AS ADOPTED AND PLAINTIFFS' PRO FORMA COMPLAINT, by electronic mail, to the following counsel of record:

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